

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**STATE AUTOMOBILE MUTUAL
INSURANCE COMPANY**

§

Plaintiff

§

v.

**FREEHOLD MANAGEMENT,
INC. AND RETAIL PLAZAS, INC.**

§

**CIVIL ACTION NO.
3:16-cv-02255-L**

Defendants

§

v.

**FREEHOLD MANAGEMENT,
INC., RETAIL PLAZAS, INC., AND
RPI DENTON CENTER, LTD.**

§

Counter-Plaintiffs

§

**DEFENDANTS AND COUNTER-PLAINTIFFS' AMENDED MOTION TO
STRIKE THE EXPERT TESTIMONY OF PAUL NILLES**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Defendants, Freehold Management, Inc. and Retail Plazas, Inc., and Counter-Plaintiffs, Freehold Management, Inc., Retail Plazas, Inc., and RPI Denton Center, LTD. (hereafter collectively "Freehold" or "the Freehold Entities") file this motion to strike the expert testimony of Paul Nilles. In support of this motion, the Freehold Entities would show this honorable Court the following:

As discussed in the brief in support of this motion, the opinion testimony of Plaintiff's designated expert, Paul Nilles, is not relevant to the issues remaining in this case. As a result, this testimony should be stricken because it will not help the jury. See FED R. EVID. 702.

WHEREFORE, PREMISES CONSIDERED, Defendants/Counter-Plaintiffs pray that this Court grant their motion to strike the expert testimony of Paul Nilles; refuse to allow Paul Nilles or representatives of GC3 to provide expert testimony at trial; and award Defendants/Counter-Plaintiffs such other relief as may be proper.

Respectfully submitted,

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By: /s/ Cassandra Pruski

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CERTIFICATE OF CONFERENCE

On August 6, 2018, the Defendants and Counter-Plaintiffs' counsel, Todd Lipscomb conferred with Plaintiff's counsel, Kaitlin Kerr by phone. Ms. Kerr indicated that Plaintiff is opposed to relief requested by this motion, so it is presented for the Court's review.

/s/ Todd Lipscomb
Todd Lipscomb

CERTIFICATE OF SERVICE

I certify that the Freehold Entities have served a true and correct copy of the foregoing document on August 30, 2018 through the Court's electronic filing (CM/ECF) system and by facsimile transmission to the following counsel of record:

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